

Remarks

The present response is to the Office Action mailed in the above-referenced case on December 28, 2004, made final. Claims 1-18 are presented below for examination. The Examiner rejects claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Logue in view of Davis (US 5,796,952) hereinafter Davis.

Applicant has carefully studied the references and the Examiner's statements in the Response to Arguments section of the instant Office Action. In response, applicant, again, points out and argues the key and patentable aspects of applicant's invention, which will clearly demonstrate that the references of Logue and Davis fail to teach or suggest all of the claimed limitations of applicant's invention.

Applicant believes that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicant argues that the first criteria is not met because not all of applicant's claimed limitations are shown in the art.

Applicant specifically claims a software application running on the proxy server for collecting and storing data obtained as a result of the monitored active user-interaction with the proxy services. Applicant points out that "the monitored active interaction" specifically refers to the user access and post-access online user activity and transactions associated with the proxy services, as claimed. Applicant argues that neither Logue nor Davies teach software at a proxy server

in a data packet network for collecting and storing user access and post-access online user activity and transactions. Therefore, the rejection fails.

Applicant argues that the third criteria for a proper prima facie obviousness rejection is also not met by the given reasoning for combining the art as espoused by the Examiner. Applicant points out to the Examiner that in order to support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious **in light of the teachings of the reference**. Both the suggestion to make the claimed combination and the reasonable expectation of success must be founded in the prior art and not in applicant's disclosure. Applicant argues that the concept of providing software at a proxy server collecting and storing actively monitored user access and post-access online user activity and transactions associated with the proxy services is only founded in applicant's disclosure.

Applicant argues that Davis embeds the tracking software in a user downloaded document and is limited to tracking the user activity, for that specific document, at the user premises. Logue teaches a Web TV system wherein only hit information is deemed valuable and stored for report generation. The motivation to combine with Davis is not valid. Logue does not suggest software at the proxy for monitoring activity of users, as claimed, for any reason.

Applicant herein addresses the Examiner's "Response to Arguments" portion of the Office Letter as not being responsive to applicant's initial arguments. Specifically, applicant previously argued that Logue does not actively monitor user access at all. Logue creates a log entry when a server successfully sends a requested document resulting from an order from a user. The access to the proxy from individual users is not monitored, only the specific action of receiving a request or delivering a document. Information regarding users, user

identity or other user activity on the proxy is not a concern of Logue (Col.8, lines 45-55).

The Examiner responded by referring to the teachings in Logue column 5, lines 10-30. This referenced portion of Logue teaches the caching and hit accumulation features of the WebTV proxy 400. Logue's WebTV server 5 functions as a "caching proxy." In this example, proxy 400 includes a proxy server 405 and a hit accumulator server 415. Client requests that are serviced from the proxy server's local document cache 465 are communicated to the hit accumulator server 415. Applicant argues that only serviced requests are recorded in Logue, not user access as claimed. If a client in the art of Logue makes a request and then cancels the request before it is serviced, Logue's system will not track it.

Applicant's independent claims 1 and 13 specifically recite monitoring user access and post-access online user activity, collecting and storing monitored data by software on the proxy server connected to the data-packet network. As argued above, Logue and Davies fail to teach all of the limitations and fail to show valid motivation for combining the references.


In view of applicant's arguments made herein, applicant believes that the limitations in applicant's independent claims pertaining to monitoring the user interaction with the proxy services clearly and unarguably distinguish over the teachings provided by Logue and Davis.

Applicant's invention monitors the user's online interaction activity from initial access, and automatically collects the user activity data either directly from the proxy server or through proxy services. The collected data reflects user activity, request or transaction history, data requested by the user, and other online behavior associated with the plurality of proxy services. Applicant believes that the art of Logue and Davies fall short of teaching or suggesting all of applicant's claimed limitations as is specifically and clearly recited in the

independent claims. Therefore, claims 1 and 13 are patentable over the art of Logue and Davies. Claims 2-12 and 14-18 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims argued above have been clearly shown to be patentable over the prior art presented by the Examiner, applicant respectfully requests that the rejection be withdrawn, and that the case be passed quickly to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully submitted,
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